

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MAKITA U.S.A. INC. and
MAKITA CORPORATION,

Plaintiffs,

v.

BLACK & DECKER INC. and
BLACK & DECKER (U.S.) INC.,

Defendants.

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C.A. No. 07-522-***

JURY TRIAL DEMANDED

STIPULATION AND ORDER FOR EXTENSION OF TIME TO SERVE COMPLAINT

WHEREAS, since the filing of the Complaint in the above-captioned action, the Parties have been diligently working to settle this matter and a related matter involving the same parties that is pending in this Court, C.A. No. 07-461-***;

WHEREAS, the parties believe that a global settlement for the two related matters will be completed shortly;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that the time for Plaintiffs to serve the Complaint in the above-captioned action upon Defendants shall be extended beyond the 120 day period provided by FRCP 4(m) to February 25, 2008. In support of this stipulation, the Parties represent that the Complaint was filed on August 27, 2007, and that the requested extension is necessary to permit finalization of the settlement negotiations.

IT IS FURTHER STIPULATED AND AGREED by the parties, subject to the approval of the Court, that the extension shall in no way prejudice Defendants' right to raise any defenses

or defects in their answer, motion or other response to the Complaint, should it be served at a later date.

POTTER ANDERSON & CORROON LLP

MORRIS, NICHOLS, ARSHT & TUNNELL
LLP

By: /s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Plaintiffs Makita U.S.A. Inc.
and Makita Corporation*

By: /s/ Thomas C. Grimm

Thomas C. Grimm (#1098)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
Tel: (302) 658-9200
tcgefiling@mnat.com

*Attorneys for Defendants Black & Decker Inc.
and Black & Decker (U.S.) Inc.*

SO ORDERED, this _____ day of _____, 2007.

Judge

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